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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Kim A. Vega,
10 Plaintiff,
11 v.
12 Commissioner of Social Security
13 Administration,
14 Defendant.

No. CV-18-01552-PHX-DWL

ORDER

15 Pending before the Court is the parties' Stipulation for Award of Attorney Fees
16 under the Equal Access to Justice Act. (Doc. 22.)

17 "The Equal Access to Justice Act (EAJA) instructs that this court 'shall' grant
18 attorneys['] fees to a prevailing plaintiff 'unless' the government meets its burden to
19 demonstrate that both its litigation position and the agency decision on review were
20 'substantially justified.'" *Campbell v. Astrue*, 736 F.3d 867, 868 (9th Cir. 2013) (quoting
21 28 U.S.C. § 2412(d)(1)(a)). Here, the government stipulates to an award of attorneys'
22 fees in lieu of arguing that its position was substantially justified, and therefore the Court
23 must grant attorneys' fees. *See, e.g., Robinson v. Berryhill*, 2018 WL 7140957, *2 (9th
24 Cir. 2018) ("Pursuant to the parties' stipulation and the [EAJA], 24 U.S.C. § 2412(d),
25 attorney's fees . . . and costs . . . are awarded."); *Wheatley v. Berryhill*, 2018 WL
26 6579351, *1 (9th Cir. 2018) (same).

27 Attorneys' fees pursuant to the EAJA "shall not be awarded in excess of \$125 per
28 hour unless the court determines that an increase in the cost of living or a special factor,

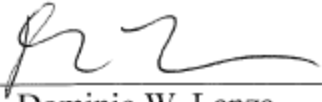
1 such as the limited availability of qualified attorneys for the proceedings involved,
2 justifies a higher fee.” 28 U.S.C. § 2412(d)(2)(A). “Appropriate cost-of-living increases
3 are calculated by multiplying the \$125 statutory rate by the annual average consumer
4 price index figure for all urban consumers (‘CPI-U’) for the years in which counsel’s
5 work was performed, and then dividing by the CPI-U figure for March 1996, the
6 effective date of EAJA’s \$125 statutory rate.” *Thangaraja v. Gonzales*, 428 F.3d 870,
7 876–77 (9th Cir. 2005). However, the Ninth Circuit has simplified this process by
8 posting the statutory maximum rates from 2009 to the present on its website, available at
9 https://www.ca9.uscourts.gov/content/view.php?pk_id=0000000039. The Court finds
10 that the stipulated amount of attorneys’ fees, \$7,319.41, is appropriate and does not
11 exceed the statutory maximum.

12 Accordingly,

13 **IT IS ORDERED** that the parties’ Stipulation for Award of Attorney Fees under
14 the Equal Access to Justice Act (Doc. 21) is granted and Plaintiff is awarded \$7,319.41 in
15 attorneys’ fees.

16 **IT IS FURTHER ORDERED** that, pursuant to the parties’ stipulation, if the
17 government determines that Plaintiff does not owe a debt subject to offset under the
18 Treasury Offset Program, 31 U.S.C. § 3716(c), and the government agrees
19 to waive the requirements of the Anti-Assignment Act, 31 U.S.C. § 3727, the government
20 shall pay the EAJA award to Plaintiff’s counsel. If there is a debt owed under the
21 Treasury Offset Program, the remaining EAJA award after offset will be paid by a check
22 made out to Plaintiff but delivered to Plaintiff’s counsel.

23 Dated this 17th day of September, 2019.

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28 Dominic W. Lanza
United States District Judge